

# PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

525,271

Applicant's or agent's file reference <b>02-18PC</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/US03/26591</b>	International filing date (day/month/year) <b>25 August 2003 (25.08.2003)</b>	Priority date (day/month/year) <b>23 August 2002 (23.08.2002)</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): A61K 37/00, 37/48 and US Cl.: 514/12, 21</b>		
Applicant <b>ZYMOGENETICS, INC.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

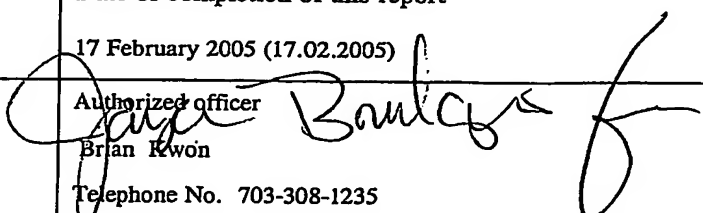
2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand <b>17 March 2004 (17.03.2004)</b>	Date of completion of this report <b>17 February 2005 (17.02.2005)</b>
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Brian Kwon Telephone No. 703-308-1235

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-7 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 8-9, as originally filed  
pages NONE, as amended (together with any statement) under Article 19  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the drawings:  
pages NONE, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US03/26591**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-13</u>	NO
Industrial Applicability (IA)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Document D1 (US 5,378,687 A) and Document D3 (LORENZ et al., Seminars in Thrombosis and Hemostasis, 1996, Vo. 22, No. 5, pp. 451-5) teach the use of human blood coagulation factor VII for the treatment of inflammatory bowel disease such as ulceration colitis.

Document D2 (NIELSEN et al., Cytokines, Cellular and Molecular Therapy, December 1997, Vo. 3, No. 4, pp. 257-81) discloses mesalazine, azathioprine, 6-mercaptopurine, cyclosporin and methotrexate as known pharmaceutical agent that is routinely used in the treatment of inflammatory bowel disease such as Crohn's disease and ulcerative colitis.

Document D4 (MUSCH et al, Ailment Pharmacol Thera., July 2002, Vol. 16, No. 7, pp. 1233-9) and Document D5 (FRIEDMAN, R., Doctor's Guide, May 2002) teach the use of interferon-beta for the treatment of inflammatory bowel disease such as ulcerative colitis.

Claims 1-13 meet Novelty criteria under PCT Article 33(2) since the subject matter of the claimed invention is not fully disclosed in the prior art.

Claims 1-13 do not meet Inventive Step criteria under PCT Article 33(3) since the use of claimed combination comprising factor XIII and interferon-beta would be obvious to the skilled artisan. The above references (Document D1-D5) in combination make clear that factor XIII, interferon-beta and other drug (e.g., sulfasalazine, olsalazine, mesalamine, azulfidine, corticosteroids, azathioprine, 6-mercaptopurine) have been individually used for the treatment of inflammatory bowel disease such as ulcerative colitis or Crohn's disease. It is obvious to combine compositions each of which is taught by prior art to be useful for same purpose; idea of combining them flows logically from their having been individually taught in the prior art. The combination of active ingredient with the same character is merely the additive effect of each individual component.

Claims 1-13 do meet Industrial Applicability criteria under PCT Article 33(4) since the subject matter of the claimed invention is related to the therapeutic utility.